

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3363 OF 2005

Prabhu Sidhanna Nimbal ..Applicant

V/s.

The State of Maharashtra ..Respondents.

Adv. Shri Ujwal R. Agandsurve for the Applicant.
APP Ms.Sangeeta Shinde for the State.

CORAM: **ABHAY S. OKA, J.**
DATE: **6TH JUNE, 2005.**

P.C. :

1. Heard the Learned Counsel appearing for the parties. The applicant was arrested by the Akkalkot South Police Station, Solapur in connection with C.R.NO.1/05. An offence is registered for the offence punishable under section 302 read with section 34 of the I.P.C. It is not in dispute that the investigation is complete and chargesheet is filed long back. The Learned Sessions Judge while rejecting the application for bail of the applicant has stated that there is a discovery of clothes.

2. Even in the supplementary statements of the witnesses, name of the applicant is not disclosed. Moreover, the recovery of weapons and the blood stained clothes is not made at the instance of the applicant but it is at the instance of another co-accused.
3. The Learned Sessions Judge has recorded that the applicant before him may create hurdles in the investigation. The said ground is obviously incorrect as the investigation is over long back.
4. Considering the material placed before me, case for grant of bail is made out.
5. Hence, I pass the following order:

ORDER

- i. The applicant shall be enlarged on bail in connection with C.R.NO.1/05 registered with Akkalkot South Police Station, Solapur subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with 2 (two) sureties in the like amount.

- ii. The applicant will be enlarged on bail subject to the condition that the applicant will not make an attempt to influence or pressurise or threaten the prosecution witnesses.
- iii. The bail is granted subject to further condition that the applicant will co-operate with the Learned Trial Judge in early disposal of the trial. In case , the Learned Trial Judge feels that the applicant is delaying the trial, the Learned Trial Judge will be at liberty to record the same in the Roznama of the proceedings and such conduct of the applicant can be a ground for the cancellation of bail.

Judge.